

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION – at Cincinnati**

<b>HUNTER DOSTER, et al.,</b>	:	Case No. 1:22-cv-00084-MWM
<b>Plaintiffs</b>	:	
<b>v.</b>	:	
<b>FRANK KENDALL, et al.,</b>	:	
<b>Defendants.</b>	:	

**PLAINTIFFS’ RESPONSE TO DEFENDANTS’ MOTION FOR AN EXTENSION OF  
TIME**

Plaintiffs, through Counsel, agreed out of professional courtesy and generally to a motion for an extension of time for a limited time period (21 days after any notice of appeal is filed) for Defendants to respond to their motion for attorney fees and costs. (Doc. 130.) For the avoidance of all doubt, Plaintiffs object to any deferral of that motion pending an appeal, which Defendants argue within the motion they filed. To be clear, Defendants *never* asked for Plaintiffs’ consent regarding *that* relief. That is particularly the case where an appeal here would not adjudicate the primary and underlying claims on the merits (which is what the case that Defendants cite in their motion, *Kryder v. Estate of Rogers*, 321 F. Supp. 3d 803 (TNMD 2018), permits discretionary deferral of). The entitlement to attorney fees here is already fixed as set forth in Plaintiffs’ Motion, and an appeal on whether additional relief is warranted will not change that. (Doc. 129.)

Again, Plaintiffs do not oppose a courtesy extension of time – but wish to make clear that Plaintiffs never consented to any sort of deferral pending appeal as Defendants’ Motion suggests.

Respectfully submitted,

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#### CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing upon all counsel of record this 8 day of May, 2024, via CM/ECF.

/s/ Christopher Wiest